

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

AFFIRMATION SESSION

PUBLIC MEETING

Nuclear Regulatory Commission
Commission Hearing Room
11555 Rockville Pike
Rockville, Maryland
October 12, 2011

The Commission met in open session, pursuant to notice, at 8:55 a.m.,
Gregory B. Jaczko, Chairman, presiding.

COMMISSIONERS PRESENT:

GREGORY B. JACZKO, Chairman of the Commission

KRISTINE L. SVINICKI, Member of the Commission

GEORGE APOSTOLAKIS, Member of the Commission

WILLIAM D. MAGWOOD, IV, Member of the Commission

WILLIAM C. OSTENDORFF, Member of the Commission

STAFF AND PRESENTERS SEATED AT THE COMMISSION TABLE:

STEVE BURNS, General Counsel

Dr. ANDREW BATES, Acting Secretary of the Commission

DISCLAIMER

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The transcript is intended solely for general information purposes. As provided by 10 CFR 9.103, it is not part of the formal or informal record of decision of the matters discussed. Expressions of opinion in this transcript do not necessarily reflect final determination or beliefs. No pleading or other paper may be filed with the Commission in any proceeding as the result of, or addressed to, any statement or argument contained herein, except as the Commission may authorize.

[8:55 a.m.]

P R O C E E D I N G S

CHAIRMAN JACZKO: Good morning, we have 2 items for affirmations before we start the Mandatory Hearing. Do you want to go through those Andy?

ADREW BATES: Mr. Chairman and Commissioners, we have 2 items for affirmation this morning as you noted. The first item is Sheildalloy Metallurgical Corporation; it's a response to the decision from the U.S. Court of Appeals. The Commission is being asked to act on a Memorandum and Order which responds to the judicial remand that would reinstate New Jersey's agreement-state authority over the decommissioning of the Newfield, New Jersey site owned by Shieldalloy Metallurgical Corporation. The Commission has voted to approve a Memorandum and Order, which reinstates the transfer of NRC's regulatory authority over the Newfield site to New Jersey. Would you affirm your votes please?

CHAIRMAN JACZKO: Aye.

COMMISSIONER SVINICKI: Aye.

COMMISSIONER APOSTOLAKIS: Aye.

COMMISSIONER MAGWOOD: Aye.

COMMISSIONER OSTENDORFF: Aye.

ANDREW BATES: The second item deals with Pacific Gas & Electric Company and Diablo Canyon Nuclear Power Plant. The Commission is being asked to act on a Memorandum and Order responding to an appeal the by Pacific Gas & Electric Company, the NRC Staff's petition for interlocutory review, the San Luis Obispo Mothers for Peace petition for waiver, and matters certified and referred by the Board in LBP-10-15. The Commission has voted to approve a Memorandum and Order, which affirms in part and reverses in part the Board's decision and denies the waiver petition. Would you affirm your votes please?

CHAIRMAN JACZKO: Aye.

COMMISSIONER SVINICKI: Aye.

COMMISSIONER APOSTOLAKIS: Aye.

COMMISSIONER MAGWOOD: Aye.

COMMISSIONER OSTENDORFF: Aye.

CERTIFICATE

This is to certify that the attached description of a meeting of the U.S. Nuclear Regulatory Commission entitled:

TITLE OF MEETING: Affirmation Session
(PUBLIC MEETING)

PLACE OF MEETING: Rockville, Maryland

DATE OF MEETING: September 27, 2011

was held as herein appears, is a true and accurate record of the meeting, and that this is the original transcript thereof taken stenographically by me, thereafter reduced to typewriting by me or under the direction of the court reporting company.

Transcriber: Natalie Mitchell-Funderburk

Reporter: (TAPE RECORDING)